



Indiana Department of Environmental Management
Office of Air Management
Rule Fact Sheet
September 1, 1999

**Development of Amendments to Rules Concerning Asbestos License Renewals
#99-094(APCB)**

Overview

Amends 326 IAC 18-1-6, Renewal of asbestos license, to add three (3) subsections regarding applications for asbestos license renewals.

Citations Affected

Amends: 326 IAC 18-1-6

Affected Persons

Any person seeking to renew an asbestos license as an inspector, management planner, project designer, project supervisor, worker, contractor, or asbestos waste disposal manager.

Potential Cost

Low to none as the only additional responsibility to the department is to administer a test to a random number of asbestos renewal applicants. There will be no additional cost to the applicants unless an applicant fails to submit a complete application within one (1) year, in which case a second application fee would be required.

Outreach

The department mailed a copy of the draft rule to all current training course providers in August 1999.

Description

On November 28, 1990, Congress enacted the Asbestos School Hazard Abatement Reauthorization Act (Reauthorization Act) and expanded the accreditation procedures required for persons who work with asbestos containing materials in public and commercial buildings as well as schools. To meet the requirements of the Reauthorization Act, the board adopted rules

under 326 IAC 18. The board revised 326 IAC 18 in 1998 to provide clarifications to rules for applicants, training course providers, and contractors for initial and renewal license applications. Amendments were made to the rules to clarify existing policy and procedures and to eliminate problems encountered by staff and the applicants in processing license applications.

Three (3) new subsections were added to 326 IAC 18-1-5 (asbestos license; application) that should have also been added to 326 IAC 18-1-6 (asbestos license renewal) to assure consistency of procedures. This rulemaking is adding these three subsections to the license renewal section of the rule.

326 IAC 18-1-6(c) states that if the department determines the information on the renewal application to be incomplete, the applicant will be requested to submit the missing information and shall have one (1) year to submit the missing information. After one year the application will expire and the fee is not transferable. This section is consistent with 326 IAC 18-1-5(c).

326 IAC 18-1-6(e) authorizes the department to select and re-test a random sample of license renewal applicants for an asbestos license. The department shall deny the application if the applicant does not receive a passing score of 70%. Denial of the application invalidates the certificate of training and the applicant must retake and pass the refresher training course. This allows the department a means to audit applicants to assure that they are adequately

trained. This section is consistent with 326 IAC 18-1-5(d).

326 IAC 18-1-6(g) requires that applications be completed in writing and submitted for processing. The license will be sent to the renewal applicant via the U.S. Postal Service to the address listed on the application. License applications will not be processed and issued on a walk-in basis or over the telephone. This section is consistent with 326 IAC 18-1-5(g).

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rule is consistent with federal rules.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Suzanne Whitmer, Rule Development Section, Office of Air Management, (317) 232-8229 or (800) 451-6027, press 0 and ask for extension 2-8229 (in Indiana).